

## Message Text

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ACTION EB-07

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 USIA-06  
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TO SECSTATE WASH DC IMMEDIATE 6749

C O N F I D E N T I A L SECTION 01 OF 04 OECD PARIS 14988

EXCON

E.O. 11652: XGDS1

TAGS:ESTC, COCOM

SUBJ: ORGANIZATION OF LIST REVIEWS

REFS: A) STATE 110173, B) COCOM DOC. PROC (76) 8.3  
C) OECD PARIS 14798, D) STATE 101562.

SUMMARY: DISCUSSION OF THIS MATTER LASTED TWO FULL WORK-DAYS, BEGINNING MAY 16 AND ENDING ON AFTERNOON MAY 18, ALLOWING TIME FOR TUESDAY REGULAR MEETING. US PROPOSAL IN REF B WAS TAKEN AS BASIS OF DISCUSSION AND THERE WERE LARGE AREAS OF AGREEMENT ON IT. NEVERTHELESS, OTHER DELS' CONCERN ABOUT LIST REVIEW DEADLINES AND US ABILITY TO MEET THEM EMERGED VERY CLEARLY THROUGHOUT AND PROBABLY ACCOUNTED FOR UNEXPECTED DURATION OF THE TALKS. SINGLE MOST IMPORTANT TOPIC OF DEBATE WAS DURATION OF INTERVAL BETWEEN ROUNDS. REF C STATES OUTCOME OF TALKS ON THAT POINT AND REQUESTS INSTRUCTIONS. THIS TELEGRAM CONCERNS ITSELF WITH ALL OTHER POINTS. END SUMMARY.

1. PREAMBLE. UK SUGGESTED STARTING WITH FIRST PARAGRAPH OF PREAMBLE TO DOC. REG (65) 2, THEN CONTINUING WITH FOLLOWING NEW PARAGRAPH II:

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"II THREE LIST REVIEWS HAVE PASSED SINCE THE ABOVE PREAMBLE WAS WRITTEN AND COCOM DOC REG (65)2 WAS ISSUED. REVIEWS HAVE NOT FOLLOWED THE PROCEDURES FORMULATED IN THAT DOCUMENT, PARTICULARLY THOSE DESIGNED TO LIMIT THE TIME SPENT IN REVIEW DISCUSSIONS. AS THE PROGRESS IN THE SCIENTIFIC AND

TECHNICAL FIELDS HAS ACCELERATED, IN THE MEANTIME, ADHERENCE TO LIST REVIEW PROCEDURES REMAINS ESSENTIAL AND IS RE-EMPHASISED. FAILURE TO DO SO COULD INVALIDATE THE RESULTS. ACCORDINGLY THE ORGANISATION OF LIST REVIEWS IS REVISED TO RE-EMPHASISE THEIR IMPORTANCE AND THE NEED FOR COMPLIANCE."

THERE WOULD THEN BE A NEW PARAGRAPH III CONSISTING OF PRESENT PARAGRAPH II OF REG (65)2 CONFIRMING RIGHT TO TABLE PROPOSALS AT ANY TIME. UK JUSTIFIED PUTTING IT HERE ON GROUND THAT RIGHT TO TABLE PROPOSAL BETWEEN LIST REVIEWS IS OUTSIDE ACTUAL ORGANIZATION OF AN INDIVIDUAL LIST REVIEW. HENCE PARAGRAPH II(E) OF OUR PROPOSAL WOULD BE DELETED. BELIEVING THAT THIS ARRANGEMENT WOULD MEET ESSENTIAL US DESIRES, USDEL ACCEPTED IT AD REF.

2. IN FOLLOWING DISCUSSION, ALL REFERENCES WILL BE TO US PROPOSAL IN REF B UNLESS OTHERWISE INDICATED.

PARAGRAPH I. SUBPARAGRAPH (A). STRONG COMMITTEE SENTIMENT DEVELOPED TO INSERT HERE THE LIMIT, IF ANY, ON DURATION OF INTERVAL BETWEEN ROUNDS, INSTEAD OF IN III(E), OR LIMIT ON OVERALL DURATION OF REVIEWS. USDEL ACCEPTED. SEE REF C FOR SUBSTANCE. WHICHEVER OF THE TWO OPTIONS THERE PRESENTED IS CHOSEN BY WASHINGTON (10-MONTH LIMIT ON TOTAL LIST REVIEW, WITH OR WITHOUT SPECIFICATION OF INTERVAL) WILL BE INSERTED HERE.  
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(B) AND (C) WERE ACCEPTED WITHOUT CHANGE.

PARAGRAPH II: PROPOSALS.

(A) NETHERLANDS AND OTHER DELS WANTED JUSTIFICATION TO INCLUDE EVIDENCE NOT ONLY OF PRODUCTION CAPABILITIES IN PROSCRIBED AREAS BUT ALSO OF CAPABILITIES AND AVAILABILITIES IN OTHER NON-MEMBER COUNTRIES SUCH AS HONG KONG, SWEDEN, ETC. LANGUAGE FINALLY AGREED ON (US AND FRANCE AD REF) WAS "PRODUCTION CAPABILITIES IN OR GENERAL AVAILABILITY TO PROSCRIBED AREAS."

SEVERAL DELS PREFERRED THREE-MONTH DEADLINE FOR SUBMISSION OF ORIGINAL PROPOSALS, INSTEAD OF FOUR. ALTHOUGH US DEL ARGUED THAT FOUR MONTHS WAS CONSIDERED NECESSARY BY HIS AUTHORITIES FOR ADEQUATE STUDY OF OTHERS' PROPOSALS, HE ACCEPTED AD REF THE COMPROMISE LANGUAGE "PREFERABLY FOUR MONTHS BUT NOT LESS THAN THREE."

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(B) ON NETHERLANDS URGING, COMMITTEE AGREED TO  
CHANGE DEADLINE TO "PREFERABLY TWO MONTHS BUT NOT LESS  
THAN 45 DAYS." US AGREED AD REF.

(C) LONG DEBATE OVER THIS SUBPARAGRAPH WAS GENER-  
ATED BY FRENCH RELUCTANCE TO ACCEPT WHOLE CONCEPT OF RE-  
VISED PROPOSALS AND UK INSISTENCE THAT REVISED PROPOSALS  
REQUIRE SECONDING REGARDLESS OF WHEN SUBMITTED. UKDEL HAD  
AGREED EARLIER NOT TO INSIST ON REQUIREMENT THAT PROPOSALS  
AND COUNTERPROPOSAL BE SECONDED. THEY INSISTED, HOWEVER,  
THAT SECONDING REQUIREMENT BE APPLIED TO ALL REVISED PRO-  
POSALS. (THE ONE EXCEPTION THAT UK WOULD AGREE TO WAS  
THAT REVISED PROPOSAL EMERGING FROM TWG COULD BE ACCEPTED  
FOR DISCUSSION AT ANY TIME). NETHERLANDS DEL SUPPORTED  
UK POSITION. BELGIAN AND FRENCH DELS, HOWEVER, OPPOSED  
ANY SECONDING REQUIREMENT. USDEL EXPLAINED AT LENGTH  
THE PURPOSE OF REVISED PROPOSALS AND THE SAFEGUARD EM-  
BODIED IN LIMITED SECONDING PROVISION, BUT FAILED TO BUD-  
GE FRENCH, BELGIANS, BRITISH, AND DUTCH. THEY RESERVED  
THEIR POSITIONS FOR FURTHER STUDY. OTHER DELS ACCEPTED  
THE SUBPARAGRAPH AS PROPOSED BY US. IN LIGHT OF RESERVES,  
COMMITTEE LEFT ISSUE IN ABEYANCE FOR LATER DISCUSSION. US  
DEL ACCEPTED AS OBVIOUS A PROVISIO THAT REVISED PROPO-  
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SALS EMERGING FROM TWG COULD BE ACCEPTED AT ANY TIME.

(D) ACCEPTED WITH FOLLOWING EDITORIAL CHANGE IN THE PHRASE FOLLOWING THE WORDS "DURING THE LIST REVIEW": "FOR CONSEQUENTIAL REVISION ELSEWHERE IN THE LISTS FOR THE SAKE OF CONSISTENCY . . .", REMAINDER UNCHANGED.

(E) TRANSFERRED TO PREAMBLE WITH CHANGE ALREADY REPORTED, SUBJECT TO US AD REF.

UK PROPOSED INSERTING AS NEW (E): "FOR THE ASISTANCE OF THE COMMITTEE, THE PROPOSING DELEGATION SHOULD INDICATE WHETHER IT CONSIDERS THAT A TECHNICAL WORKING GROUP WILL BE REQUIRED." UK READILY ADMITTED THAT THIS EMBODIED REVERSAL OF THEIR ORIGINAL PROPOSAL ON TWG'S, TO WHICH LANGUAGE IN PARAGRAPH IV(A) OF OUR PROPOSAL IS PRACTICALLY IDENTICAL. UK POINTED OUT THAT IN PAST REVIEWS ONLY ABOUT ONE-THIRD OF ALL PROPOSALS HAD BEEN TAKEN UP IN TWG'S. REQUIRING SUBMITTING DEL TO INDICATE AFFIRMATIVELY WHETHER IT CONSIDERED TWG NECESSARY WOULD SAVE TIME. OTHER DELS WOULD STILL HAVE RIGHT TO ASK FOR TWG. UK SUGGESTION THEREFORE WOULD BE TO DELETE FIRST SENTENCE OF IV(A) AND MAKE SECOND SENTENCE, ALTERED AS ABOVE, NEW (E). US AND FRENCH RESERVED, OTHERS AGREED.

GERMAN PROPOSAL FOR WRITTEN POSITIONS FOUR WEEKS BEFORE OPENING OF LIST REVIEW: MAJORITY OF COMMITTEE BEING OPPOSED TO SUCH A REQUIREMENT TIED TO A FIXED TIME LIMIT, UK PROPOSED DELETING TIME LIMIT AND CHANGING LANGUAGE TO READ "WHEREVER POSSIBLE, DELEGATIONS WILL ENDEAVOR TO . . ." DRAWING ON INSTRUCTION IN REF D, USDEL AND REST OF COMMITTEE ACCEPTED GERMAN PROPOSAL AS AMENDED. IT WOULD BE ADDED TO PARAGRAPH II AS NEW SUBPARAGRAPH (F).

3. PARAGRAPH III: AGENDA.  
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(A) PURSUANT TO PARAGRAPH 8 OF REF A, USDEL ACCEPTED JAPANESE PROPOSAL THAT THOSE ITEMS REQUIRING TWG DISCUSSION BE INDICATED AT SAME TIME AS AGENDA IS ESTABLISHED, SUBJECT TO UNDERSTANDING THAT ITEMS MAY BE REFERRED TO TWG IF PLENARY TALKS INDICATE IT WOULD BE HELPFUL IN REACHING AGREEMENT. CHAIR CONFIRMED THAT THIS WAS THE CASE, AND HIS STATEMENT ON THE POINT WILL BE IN RECORD OF DISCUSSION. UK THEN SUGGESTED ADDITION OF FOLLOWING LANGUAGE AT END OF (A): "THIS PROGRAM SHALL GIVE AN ESTIMATED SCHEDULE FOR THE ROUND AND SHALL INDI-

CATE THOSE ITEMS FOR WHICH THE NEED FOR TWG'S IS FORE-  
SEEABLE." COMMITTEE , INCLUDING US ACCEPTED THIS WORD-  
ING.

(B) ACCEPTED WITHOUT CHANGE.

(C) FIRST SENTENCE: SINCE COMMITTEE FOUND PRESENT  
WORDING SOMEWHAT AWKWARD, US ACCEPTED FOLLOWING REWOR-  
DING: "IF 'REVISED PROPOSALS' OR 'PROPOSALS FOR CONSIS-  
TENCY' ARE SUBMITTED DURING THE FIRST ROUND, THEY  
SHALL BE CONSIDERED WHILE THE EXPERTS FOR THAT AREA ARE  
STILL PRESENT."

BELGIAN DEL COULD NOT ACCEPT SECOND SENTENCE WITH-

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EXCON

OUT PROVISIO THAT COMMITTEE COULD DECIDE TO CONSIDER  
SUCH PROPOSALS WITHOUT EXPERTS BEFORE SECOND ROUND. UK,  
HOWEVER, POINTED OUT THAT PROVISION OF FIVE DAYS AT END  
OF ROUND ONE TOOK CARE OF THIS CONCERN, AND PROPOSED,  
DELETING THE SECOND SENTENCE ENTIRELY. BELGIAN DEL  
AGREED TO WITHDRAW HIS PROPOSAL BUT ONLY ONCONDITION  
THAT SENTENCE WAS DELETED AS PROPOSED BY UK. USDEL AG-  
REED AD REF TO THAT DELETION ON SAME GROUND AS THAT  
ADVANCED BY UK AND ALSO IN VIEW OF SUBPARA (F).

(D) ACCEPTED WITHOUT CHANGE.

(E) FIRST SENTENCE ACCEPTED. USDEL ACCEPTED DELETION OF SECOND SENTENCE, SINCE PROVISION FOR DURATION OF INTERVAL AND/OR ENTIRE LIST REVIEW WOULD BE INSERTED IN I(A).

(F) ACCEPTED WITH FOLLOWING WORDING (ACCEPTED BY USDEL): "ALL ITEMS NOT DISPOSED OF DURING THE FIRST ROUND EITHER BY UNANIMOUS AGREEMENT OR BY FORMAL OBJECTION SHALL BE RESCHEDULED FOR THE SECOND ROUND." WORDS "TO REVISIONS" WERE DROPPED AS UNNECESSARY.

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(G) UK ASKED THAT INDICATION OF ITEMS NEEDING TWG'S BE INSERTED AS PRIOR TO FIRST ROUND, AND THIS PROPOSAL WAS ACCEPTED BY ALL.

(H) WAS ACCEPTED WITHOUT CHANGE.

#### 4. PARAGRAPH IV: TECHNICAL WORKING GROUPS.

(A) UNDER CHANGES ALREADY DISCUSSED, ON WHICH USDEL IS IN RESERVE, FIRST SENTENCE WOULD BE DELETED AND SECOND WOULD BECOME NEW II(E) INFORM PROPOSED BY UK. REST OF SUBPARAGRAPH WOULD REMAIN EXCEPT FOR FOLLOWING CHANGES SUGGESTED BY JAPAN: "THE COMMITTEE SHALL CONFIRM" (INSTEAD OF DECIDE); PORTION FOLLOWING FIRST MENTION OF TWG'S TO READ "... AND THE MEETINGS SCHEDULED FOR THESE GROUPS." REASONING IS THAT COMMITTEE WOULD SET TENTATIVE DATES FOR TWG'S WHEN IT SETS UP AGENDA BEFORE BEGINNING OF REVIEW. USDEL AGREED TO THESE CHANGES.

(B) ACCEPTED WITH ADDITION OF GERMAN PROPOSAL FOR SUBMISSION OF TWG REPORTS ONE MONTH PRIOR TO ROUND II, WITH INSERTION OF WORDS "ON PROPOSALS SUBMITTED DURING THE FIRST ROUND" (SEE REF D).

#### 5. PARAGRAPH V: COMMITTEE PROCEDURE.

(A) ACCEPTED BY ALL EXCEPT FRENCH, WHO MAINTAINED GENERAL RESERVE ON CONCEPT OF REVISED PROPOSALS, AND UK, WHO STILL WISH ALL REVISED PROPOSALS TO BE SECONDED.

(B) ACCEPTED WITH FOLLOWING WORDING: "FOR EACH ITEM NOT DISPOSED OF EITHER BY UNANIMOUS AGREEMENT OR BY FORMAL OBJECTION DURING THE FIRST ROUND ..." SEE AGREEMENT ON III(F) ABOVE.

(C) CANADIAN DEL RAISED HERE THE PROBLEM RAISED ON PAGE 3 OF HIS DOC. PROC (77) 8.11, ALTHOUGH  
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THAT DOCUMENT DID NOT MAKE PLAIN THERE WHAT HE HAD IN MIND. THIS PROBLEM IS THAT A DELEGATION MAY FEEL OBLIGED IN EARLY PART OF SECOND ROUND TO RESERVE, OR MAINTAIN A PREVIOUS RESERVE, PENDING RECEIPT OF FURTHER INFORMATION OR INFORMATION ALREADY REQUESTED. AFTER DISCUSSION, US AND CANADA ACCEPTED AD REF THE FOLLOWING REWORDING: FIRST SENTENCE UNCHANGED. REST OF SUBPARAGRAPH AS FOLLOWS: "TOGETHER WITH AT LEAST ONE OTHER DELEGATION, A DELEGATION MAY SUBMIT A REVISED PROPOSAL FOR CONSIDERATION DURING THE LAST TEN DAYS OR WHILE EXPERTS ARE STILL PRESENT. POSITIONS AT THE END OF THE SECOND ROUND SHALL BE LIMITED TO 'CONCUR', 'CONCUR AD REFERENDUM', OR 'OBJECT' ." OTHERS ACCEPTED, FRENCH SUBJECT TO RESERVE ON CONCEPT OF "REVISED PROPOSALS."

6. PARAGRAPH VI: RATIFICATION AND ENTRY INTO FORCE

THIS SECTION GENERATED MORE DEBATE THAN EXPECTED. CHAIRMAN LED OFF BY QUESTIONING USE OF TERM "REVIEW GROUP" INSTEAD OF "DRAFTING GROUP" AND COMMENTED THAT GROUP'S DUTIES AS DESCRIBED IN OUR PROPOSAL SEEMED BROADER THAN THOSE OF DRAFTING GROUP IN PREVIOUS LIST REVIEWS. USDEL MAINTAINED THAT ITS DUTIES WOULD BE IDENTICAL BUT EXPLAINED THAT, IN OUR VIEW, GROUP DID NOT

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EXCON

REALLY DRAFT SINCE IT WAS THE SECRETARIAT WHO PRODUCED A PRELIMINARY DRAFT OF AGREED REVISIONS, WHICH IT THEN SUBMITTED TO THE GROUP FOR REVIEW AS TO ITS CONFORMITY WITH AGREEMENTS REACHED. CHAIRMAN, SUPPORTED BY UKDEL, VIGOROUSLY DISAGREED WITH THIS VIEW. HE SAID SECRETARIAT PRODUCES NOTHING BUT A PASTE-UP COMPILATION OF CONCLUSIONS OF RECORDS OF DISCUSSION; THE DRAFTING GROUP THEN GOES OVER THEM, MAKING AMENDMENTS AND INSERTIONS AS NECESSARY. OTHER DELS QUESTIONED USE OF THE WORD "OBJECTIONS" IN SUBPARAGRAPH (C). UK COULD AGREE TO 45-DAY RATIFICATION PERIOD ONLY ON CONDITION THAT TOTAL PERIOD FOR RATIFICATION AND ENTRY INTO FORCE WOULD NOT EXCEED 60 DAYS; THEY THOUGHT THERE SHOULD BE NO DIFFICULTY ABOUT THAT SINCE COMMITTEE HAD ON PREVIOUS OCCASIONS AGREED TO PERIOD OF LESS THAN 30 DAYS FOR ENTRY INTO FORCE AFTER RATIFICATION. NETHERLANDS DEL COULD NOT ACCEPT WORD "RATIFICATION" BECAUSE THAT INVOLVED ACTION BY DUTCH PARLIAMENT; HE THEREFORE PREFERRED "APPROVAL."

AFTER LENGTHY DISCUSSION, COMMITTEE WITH EXCEPTION OF US AND CANADA VOTED TO ADOPT PARAGRAPH IX OF UK PROPOSAL IN PROC (76)8, THUS REJECTING US PARAGRAPH VI, WITH "APPROVAL" REPLACING "RATIFICATION" AND 45 DAYS REPLACING CONFIDENTIAL

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30 FOR APPROVAL, SUBJECT TO US ACCEPTANCE OF TOTAL OF 60 DAYS FOR ENTIRE PROCESS. US AND CANADA MADE GENERAL RESERVE ON ENTIRE UK PROPOSAL FOR THIS MATTER, AND SPECIFIC RESERVE ON 60-DAY OVERALL PERIOD.

7. IN VIEW OF POINTS ON WHICH THERE WAS NO FINAL AGREEMENT, COMMITTEE WILL DISCUSS LIST REVIEW ORGANIZATION AGAIN AFTER ITS REGULAR MEETING ON TUESDAY MAY 31. CHAIRMAN, HOWEVER, URGED DELEGATIONS TO MAKE KNOWN THEIR FINAL VIEWS BEFORE THEN IF POSSIBLE TO SPEED OVERALL AGREEMENT. USDEL WOULD APPRECIATE INSTRUCTIONS AS SOON AS POSSIBLE ON HIS RESERVES AND AD REFS REGARDING FOLLOWING POINTS:

PREAMBLE - AD REF ON UK PROPOSAL.

PARAGRAPH I:

(A) LIMIT ON DURATION OF REVIEW AND/OR INTERVAL BETWEEN ROUNDS. SUGGEST THIS BE COVERED BY SEPARATE INSTRUCTIONS; SEE REF. C.

PARAGRAPH II, AD REFS ON:

(A) "AVAILABILITIES" PROBLEM AND DEADLINE FOR ORIGINAL PROPOSALS;

(B) EARLIER DEADLINE FOR COUNTERPROPOSALS;

(E) TRANSFER TO PREAMBLE.



NEW (E): RESERVE ON UK PROPOSAL RE TWG.

PARAGRAPH III, SUBPARAGRAPH (C): AD REF ON DELETION  
OF SECOND SENTENCE;

PARAGRAPH IV: RESERVE ON CHANGES TO FIRST TWO SENTENCES; SEE II(E).

PARAGRAPH V, SUBPARAGRAPH (C), AD REF ON REWORDING  
TO ALLOW TEMPORARY RESERVE AT BEGINNING OF SECOND ROUND  
(CANADIAN PROBLEM).

PARAGRAPH VI: GENERAL RESERVE ON ITS REPLACEMENT  
BY PARAGRAPH IX OF UK PROPOSAL AND SPECIFIC RESERVE ON  
OVERALL LIMIT OF 60 DAYS FOR APPROVAL AND ENTRY INTO  
FORCE.

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## Message Attributes

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